

CITY OF MADISON, WISCONSIN

A 2ND SUBSTITUTE ORDINANCE _____

PRESENTED
REFERRED

March 31, 2009
ALRC

Creating 38.07(15) of the Madison General Ordinances to prohibit the sale of beer or malt liquor in amounts less than the amount contained in a six pack of bottles or cans, intoxicating liquor in amounts less than two hundred (200) milliliters in volume, and the sale of fortified wines for consumption off premises.

Drafted by: Steven Brist
Jennifer Zilavy

Date: April 23, 2009

SPONSORS: Ald. Schumacher

DRAFTER'S ANALYSIS: This proposal prohibits the sale of beer or malt liquor (fermented malt beverages) in amounts less than the amount contained in a six pack of bottles or cans. The proposal also prohibits the sale of intoxicating liquor in amounts less than 200 milliliters, and the sale of fortified wines. This prohibition does not apply to the sale of micro brewed beers and imported beers. The proposal defines micro brewed and imported beers. This proposal contains a sunset provision that repeals this ordinance on December 31, 2012. Also, this ordinance has a delayed effective date of July 1, 2009.

The Common Council of the City of Madison do hereby ordain as follows:

Subsection (15) of Section 38.07 entitled "General Restrictions" of the Madison General Ordinances is created to read as follows:

"(15) Volume Regulated.

(a) No retailer licensed under this Chapter shall be permitted to sell, dispense or give away fermented malt beverages in the original container in amounts less than the amount contained in a six pack of bottles or cans, for consumption off the licensed premises. This prohibition shall not apply to the sale of microbrewery fermented malt beverages or to imported malt beverages.

1. Definitions.

Imported Malt Beverages. A fermented malt beverage that is manufactured and bottled outside the United States of America or its territories.

Microbrewery. A brewer where not more than one hundred fifty thousand (150,000) barrels of fermented malt beverages are manufactured in a calendar year by the permittee's brewery group.

(b) No retailer licensed under this Chapter shall be permitted to sell, dispense or give away intoxicating liquor in the original container in amounts less than two hundred (200) milliliters in volume, for consumption off the licensed premises.

(c) No retailer licensed under this Chapter shall be permitted to sell, dispense or give away wine in the original container with an alcohol content of more than 15% alcohol by volume, where spirits have been added to the wine that have not been produced from the

Approved as to form:

same fruit as the wine, for consumption off the licensed premises. This prohibition shall not apply to vermouth, port, sherry, and wine sealed with a cork and aged two years or more, and wine with more than 14 percent alcohol because of natural fermentation.

- (d) No provision of this subsection shall supersede any condition(s) already in existence and placed on a retailer's license by the Madison Common Council.
- (e) Sunset. This ordinance shall automatically repeal on December 31, 2012.
- (f) This ordinance shall become effective July 1, 2009."